

## Article - Natural Resources

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§4-1009.1.

(a) The Department may adopt regulations which designate an area as a harvest reserve area for oysters.

(b) Notwithstanding any other provision of law, by publishing public notice, the Department may establish for a harvest reserve area:

(1) The opening or closure of an area for the harvesting or conservation of oysters;

(2) The harvest limit;

(3) The seasons, days, and times when oysters may be harvested;

(4) A minimum size limit of not less than 3 inches; and

(5) A maximum size limit.

(c) (1) An action of the Department under subsection (b) of this section may not become effective until:

(i) A copy of the notice to be published under item (ii) of this paragraph has been delivered to the Joint Committee on Administrative, Executive, and Legislative Review; and

(ii) 48 hours after notice has been published:

1. In at least one newspaper of general circulation in the State;

2. In at least one newspaper of general circulation in each county in which the affected waters are located; and

3. On the website of the Department.

(2) The notice required under paragraph (1) of this subsection shall state all applicable reasons for the Department's action.

(d) The Department shall use the following biological criteria for the opening and closing of a harvest reserve area:

- (1) Growth rates;
- (2) Disease prevalence and intensity;
- (3) Mortality thresholds; and
- (4) Biomass thresholds.

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